



N<sup>o</sup>. 596. 227.

Motion papers for P. E.

Filed Sept. 26, 1896.

UNITED STATES COURT, U. S.

SEP 26 1896

In the Supreme Court of the United States.

596

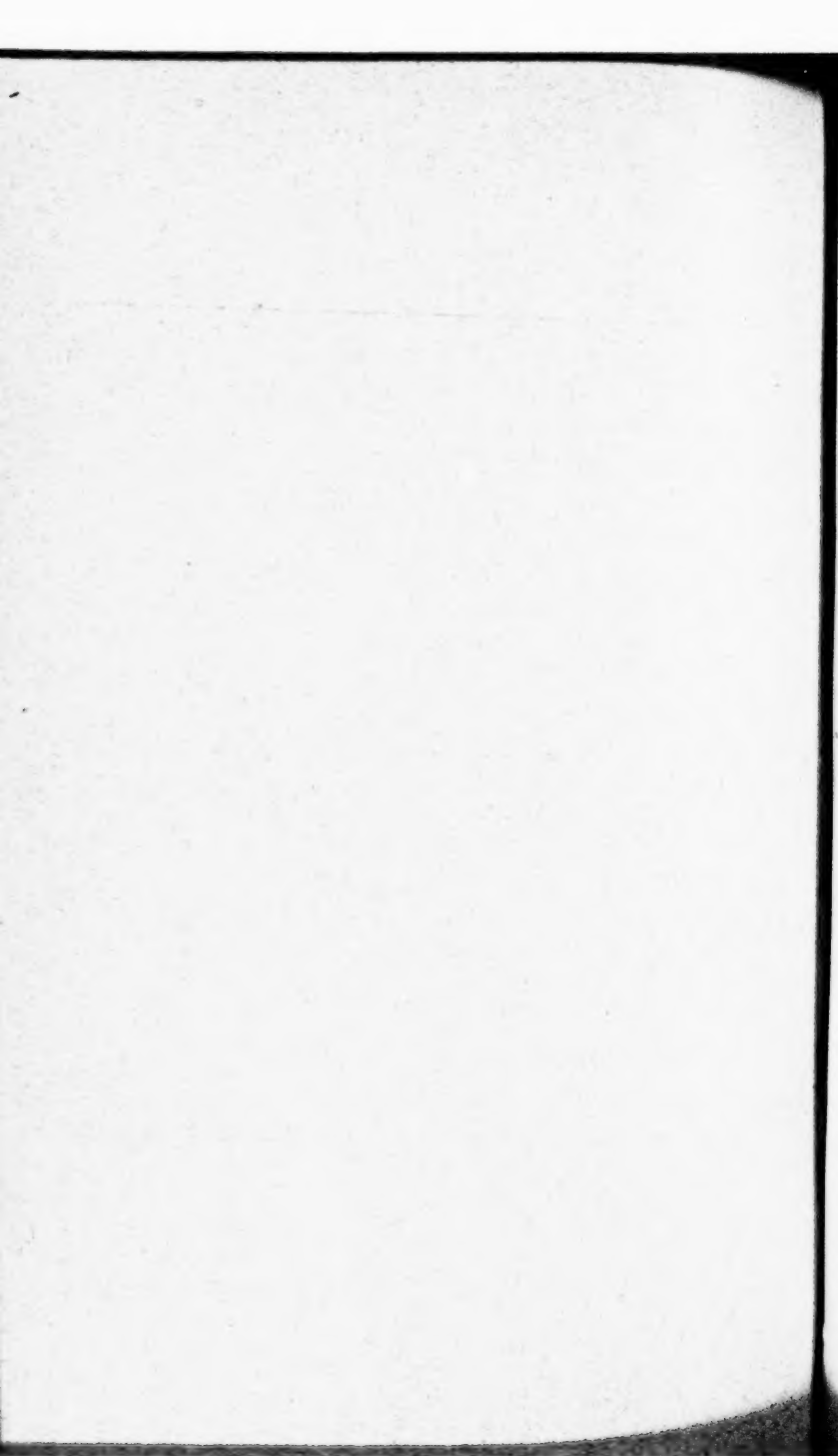
THE PEOPLE OF THE STATE OF NEW YORK,  
*Defts. in Error,*

*vs.*

HENRY J. HAVNOR,  
*Plff. in Error.*

**MOTION TO ADVANCE CAUSE.**

ALBERT I. SIRE,  
*Attorney for Plff. in Error,*  
99 Nassau Street, New York.



# Supreme Court

OF THE UNITED STATES.

THE PEOPLE OF THE STATE OF  
NEW YORK,

Defendants in Error,

against

HENRY J. HAVNOR,

Plaintiff in Error.

To JOHN R. FELLOWS, Esq.,

District Attorney of New York County.

Sir:

You will please take notice that upon the annexed affidavit of Albert I. Sire, and upon the record attached to the writ of error and accompanying papers in this action all filed in the office of the Clerk of the Supreme Court of the United States on or about the 8th day of August, 1896, the undersigned will move this Court at the next term thereof to be held at the Capitol in the City of Washington, D. C., on the 2d Monday of October, 1896, at 10.30 o'clock in the forenoon, for an order preferring this cause on the calendar and setting the same down for a hearing on a day certain.

Dated New York, September 22d, 1896.

Yours, &c.,

ALBERT I. SIRE,

Attorney for Plaintiff in Error.

99 Nassau Street,  
New York City.

## 4 SUPREME COURT OF THE UNITED STATES.

THE PEOPLE OF THE STATE OF  
NEW YORK,  
Defendants in Error,

against

HENRY J. HAVNOR,  
Plaintiff in Error.

United States of America, }  
State of New York, } ss.:  
5 City and County of New York, }

6 Albert I. Sire, being duly sworn, says that he is the attorney for Henry J. Havnor, the above-named plaintiff in error. That the above-entitled case stands docketed in this Court upon writ of error heretofore granted by a judge of the Court of Appeals of the State of New York, by which the case has been removed to this Court from the Supreme Court of the State of New York. That the plaintiff in error, Henry J. Havnor, has taken the appeal by said writ of error to this Court in order to obtain a review of a certain judgment rendered against him in a criminal action based upon the alleged violation by said Henry J. Havnor of Chapter 823 of the Laws of the State of New York for 1895, by which all barbers are prohibited from plying their trade on Sunday excepting in New York City and Saratoga Springs, where they are allowed to do business until one o'clock of that day. The record in this action will directly bring before this Court for determination a question of great public interest and importance to the people of the State of New York, inasmuch as this Court will be asked to decide a constitutional question upon which the Court of Appeals of the State of New

York have passed by a nearly equally divided vote adversely to the plaintiff in error. The facts and circumstances of the case will more fully appear by an examination of the petition of Henry J. Havnor, annexed to the record filed with the clerk of this Court on or about August 8th, 1896, to which reference is hereby made as being the grounds for this motion. That plaintiff in error as well as all other barbers in New York State suffer irreparable damage while said statute remains in force. 7

That deponent desires to obtain on behalf of the plaintiff in error a preference on the calendar of this Court in order that the rights of the said plaintiff in error, as well as those of all other citizens of the State of New York, similarly situated, may be speedily determined and to that end plaintiff in error makes this motion under Rule 26 of the Supreme Court which provides that in criminal actions where questions to be determined are constitutional ones or of public importance the Court may advance the case out of its order upon the calendar for speedy hearing. 8

Sworn to before me this        }  
     day of September, 1896.    }